



06 JUN 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Jay S. Cinamon
Abelman, Frayne and Schwab
666 Third Avenue
New York, NY 10017-5621

In re Application of MELOSI	:	
U.S. Application No.: 10/578,548	:	
PCT Application No.: PCT/EP04/51207	:	DECISION
Int. Filing Date: 23 June 2004	:	
Priority Date Claimed: 24 June 2003	:	
Attorney Docket No.: 207,581	:	
For: ELECTROCHEMICAL THERMODYNAMO	:	

This is in response to applicant's "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 05 May 2006.

BACKGROUND

On 23 June 2004, applicant filed international application PCT/EP04/51207, which claimed priority of an earlier Italy application filed 24 June 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 29 December 2004. The thirty-month period for paying the basic national fee in the United States expired on 24 December 2005.

International application PCT/EP04/51207 became abandoned as to the United States for failure to timely pay the basic national fee.

On 05 May 2006, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required basic national fee under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905), which should indicate that the declaration filed 05 May 2005 fails to state the citizenship of the inventor as required by 37 CFR 1.497(a)(3).



Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459